

ETHICALLY SPEAKING...

OFFICIAL NEWS OF THE MILWAUKEE COUNTY ETHICS BOARD

DID YOU KNOW...

VOLUME 4, ISSUE 2
APRIL 30, 2013

... that the Milwaukee County Ethics Code was created on February 11, 1975? The first Board members were subsequently appointed to staggered one to six year terms in February 1975 under then-County Executive John Doyne. The early board members served six year terms with no reappointment limitation and, thus, the longest serving board member served for 24 years through three reappointments. Currently, Ethics Board members serve six-year terms and may not serve more than two consecutive terms. Since the Board's inception, a total of 38 individuals have served as Ethics Board members, including the six members currently seated on the Board.

The Ethics Board is authorized to adopt any rules necessary to carry out the Ethics Code, which is Chapter 9 of the Milwaukee County General Ordinances. The Ethics Board also:

- ◇ prescribes and makes available forms for use, such as the Statement of Economic Interests (SEI) form;
- ◇ accepts and files information related to the purposes of the Ethics Code;
- ◇ preserves statements of economic interests (i.e., SEI forms) for six years from the filing date;
- ◇ and reports in writing the identity of any person seeking to copy or obtain information from an SEI form.

The Ethics Board receives verified complaints and requests for investigation and may hold probable cause investigations when appropriate. Additionally, the Ethics Board can order a matter to hearing before a hearing examiner. Upon determining that a violation of the Ethics Code occurred, the Ethics Board has the power to levy fines and the authority to recommend a variety of disciplinary actions, including, but not limited to, censure or suspension, demotion, or discharge, pursuant to s. 9.12 (e) (ii) C.G.O., and the matter could then be referred to the Personnel Review Board (PRB).

The Ethics Board shares administration and staff with the PRB. Disciplinary matters before the PRB sometimes include an element of unethical behavior. The types of ethical misconduct considered by the Boards differs slightly and the form in which matters are received determines which Board initially hears them. The PRB makes the final decision in disciplinary actions against employees in the classified service and such matters are generally not referred to the Ethics Board. However, the PRB may act as the Ethics Board's hearing examiner under sec. 9.11 (2) and (3) C.G.O. The PRB's own rules of procedure allow it to appoint a hearing examiner (retired or reserve judge or attorney) to review matters referred to it by the Ethics Board. The hearing examiner would then submit

Corporate Compliance & Ethics Week



findings to the PRB for approval and adoption. The findings would subsequently be forwarded back to the Ethics Board under s. 9.13 C.G.O. for any final required actions.

The Ethics Code is intended to be a living document and is readily available on the Ethics Board website for review. Final interpretation of the Ethics Code lies with the Ethics Board. If you would like training on the Ethics Code as it relates to activities in your area, please feel free to contact us so that we can create a session to deliver to you.

PHOTOS FROM THE THIRD ANNUAL MILWAUKEE COUNTY OPEN HOUSE

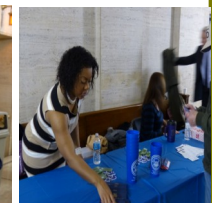
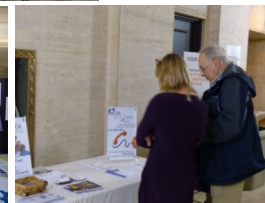
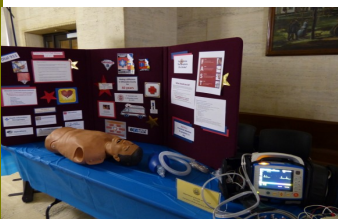


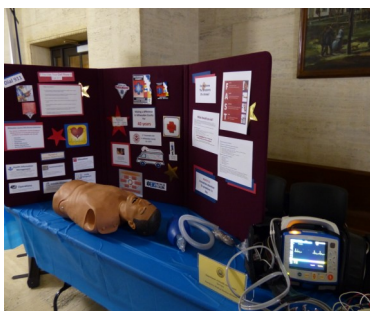
The Ethics Board was represented again this year in the Milwaukee County's Open House that was held on Tuesday, April 9, 2013 from 9:00 a.m. to 2:00 p.m.

The event was free and open to the public, and included door prizes, light refreshments and courthouse tours. As in prior years, the Ethics Board's Executive Director and staff answered many questions about what the Board does. Visitors were responsive and expressed much interest in the Ethics Board's activities. As usual, copies of the Ethics Code were the most popular item. The table also included ethics games, newsletters, and ethics videos. The Office of the Personnel Review Board, which is administered and staffed by the same team, was also represented at the table and much information was also shared about their activities.



Veronica W. Robinson, Ethics Board Executive Director and Personnel Review Board Executive Secretary, along with staff Administrative Assistant Charmaine Gee and staff Clerical Specialist, Marvic Rizio standing at the Ethics Board and PRB open house table.





QUOTABLE: “The typical dismissal line “No harm, no foul” does not apply to conflict of interest.” Peter Fazio, Manager in the Advisory Services practice of Ernst & Young LLP in New York City

REFERRAL TO THE DISTRICT ATTORNEY & RELEASE BY THE DISTRICT ATTORNEY

Section 9.04(c) of the Milwaukee County Ethics Code states that “*After filing with the Ethics Board the copy of a Verified Complaint shall be provided to the District Attorney. The Ethics Board will not act on the Verified Complaint if a delay is requested by the District Attorney. A copy of any Investigation Request shall be provided to the District Attorney after the investigation is approved by the Ethics Board. The Ethics Board shall delay further action on the Investigation Requests if requested by the District Attorney.*” Section 9.04(d) continues the thought. “*The Ethics Board may review the Verified Complaint when released by the District Attorney.*”

Upon receipt of a Verified Complaint or an approved Investigation Request, the Ethics Code requires that the Ethics Board “. . . shall forward to the subject . . . a copy of [the complaint or investigation] . . .” Referral of Verified Complaints or Requests for Investigation to the District Attorney’s office is a matter of standard procedure under the process outlined in the Ethics Code and should not be automatically construed as proof that a criminal matter or act of misconduct in office has occurred.

QUOTABLE: “All of us come face to face with gray area issues, and some are close to home. Gray area issues can be a testing ground for our own values. The issue might not always be right vs. wrong; maybe it will be right vs. right, or possibly, right vs. ‘more right.’” Frank C. Bucaro, President of Frank C. Bucaro & Associates, Inc. in Bartlett, IL



Above: Children’s artwork for Milwaukee County’s third annual Open House in 2013.

THIRD ANNUAL OBSERVATION OF CORPORATE COMPLIANCE & ETHICS WEEK MAY 6-10, 2013



Each year during Corporate Compliance and Ethics Week, we publish a daily game via Lotus Notes. We encourage participation by making the games available for employees who do not have access to the internet. Please assist us in this effort by printing copies for your area or contacting our office for a batch of copies. Additionally, [the games are posted on our website.](#) Feel free to use any game for future ethics training activities in your area. We have certainly received requests to use the games from third parties who have browsed our website!

EXPANDED TRAINING! In 2011, we offered one half day session with Al Guyant, president of Guyant & Associates, a training and consulting firm specializing in human communications and services based in Madison-Sun Prairie, WI. In 2012, we offered two half day sessions with Mr. Guyant and the sessions were awarded CLE credits by the American Bar Association. This year, we are offering four half-day sessions and include two new presenters. Lauren Brown Perry serves as the Subject Area Coordinator of the Business Program at Bryant & Stratton College in Milwaukee, Wisconsin. She teaches Business courses and works with business instructors on professional and personal growth and development issues. Marni Bekkadal is a Ph.D. Neuroscientist with expertise in how emotions are processed in the brain and their effects on our behaviors. We hope that our training sessions this year continue to meet the needs of the participants! Sessions have been preapproved already for legal CLE credits.

Lauren Brown Perry, J.D., M.B.A.

Al Guyant

Marni Bekkadal



FEEDBACK—Following is a partial republication of our April 2012 newsletter and includes responses to last year's ethics training survey.

One or two things I found useful or valuable today. "To look at everything more closely." "The process to decide if something meets our ethical codes." "Slides and group activities." "Difference in state and county code." "How ethics pertain to all of us." "Making people aware of what ethics are." "The case studies for different ethical issues." "What is the meaning of ethics." "The real life scenarios." "Clear understanding of ethics and different sources." "Discussion re topical words: trust, value, choice." "Understanding that it is important to define and communicate 'the line.'" "Don't jump to conclusions. Review all the elements—intent, knowledge, process, choice, etc." "Review of the code of ethics with exercise." "I learned about possible ethical situations I may come across in my job that I never thought of." "The exercise. Open for participation." "Interaction." "Group discussion." "Chance to connect." "Activity of separating and having defense vs. prosecution of a case example." "Discussion of both sides and realization of ideas by presenter."

I would have liked more of . . . "Specific examples." "Trainings in the area." "County examples." "Nothing. I loved it. Very informative." "Real stories." "I thought it was well-rounded." "Good presentations." "Discussion, give and take, things to consider." "Time/handout of white board notes." "Yes. (Ethics.)" "Nothing at this time." "Ethics examples." "Time in class." "Breakout sessions." "Like the scenarios and review/participation in the process. Good materials." "I thought the discussion and presentation were well-balanced."

I would have liked less of . . . "This was very good!" "Nothing at this time." "Spend less time on one case. More examples to discuss."

How could this seminar be better for the next participants? "No ideas." "I wouldn't change anything." "It was very useful." "Clear. Very good presentation." "Longer and discussion types, ethical dilemmas, notes." "Break mid way." "Not sure. It was very good." "Little bit more structure." "It could have been longer." "Ethics workshops by program/department." "Excellent training and very engaging. Kept my interest the entire time. Thought provoking. Really enjoyed it!" "I thought this was excellent just the way it was — good exercises."

Your Input Matters

ETHICS IN THE NEWS

One takeaway from last year's ethics training surveys was that participants wanted more ethics scenarios. Stories about ethical problems and choices are abundant in the local and national news with increasing frequency. Following these stories and objectively examining the actions of the participants develops knowledge and understanding of ethical dilemmas. Are you interested in following the drama of an ongoing, real life ethical dilemma that is in the news now? Let's look at the unfolding story about Virginia Governor Bob McDonnell and Star Scientific CEO Jonnie Williams.

CHARACTERS: *Todd Schneider*, Virginia Governor's Mansion Executive Chef; *Bob McDonnell*, Governor of Virginia; *Cailin*, McDonnell's daughter; *Maureen*, McDonnell's wife; *Jonnie Williams, Sr.*, CEO of Star Scientific; *Ken Cuccinelli II*, Virginia State Attorney General; *Paul Ladenson*, Doctor

SCENE I: STAR SCIENTIFIC, ANTABLOC, DR. LADENSON, and JOHN HOPKINS

Jonnie Williams, Sr. helps found Star Scientific ("Star"), a cigarette company, in 1990 with the intent of finding ways to use Virginia's mainstay crop to remove harmful compounds from cigarettes. By 1994, the company graduates to the sale of dissolvable smokeless tobacco products. The company loses money for over a decade — \$28.3 million in 2010; \$38 million in 2011. In November 2012, the company cuts its workforce and decides to focus solely on products and nutritional supplements containing antabine, such as Antabloc, an anti-inflammatory product. Williams says he will reduce his \$1 million annual salary to \$1 dollar until the company is profitable. Antabloc's primary ingredient (antabine) is found in tobacco and other plants and the company reports that Antabloc could be used as a potential treatment for thyroid disease. The research is unfounded, but around January 7, 2013, Star's promotional materials include a quote from Dr. Paul Ladenson, Director of the Division of Endocrinology and Metabolism at John Hopkins School of Medicine, who is paid as a consultant for his statement encouraging further study of Antabloc for thyroid disease. The materials refer to Ladenson as a senior research consultant on an Antabloc study. These promotional materials mislead investors into thinking that John Hopkins is affiliated with Star Scientific through active involvement with and support of the clinical development of Antabloc. John Hopkins makes a public statement that the clinical study of Antabloc was not conducted at or approved by John Hopkins and then makes inquiry into Ladenson's statements, which violate John Hopkins guidelines. Meanwhile, Star's 2012 product sales increase \$1.2 million over the \$6.2 million in product sales the year before. The increase in sales results almost exclusively from sales of Antabloc. The company's total annual losses in 2012 decrease to \$22.9 million.



SCENE II: THE MANSION and MAUREEN

In June 2011, McDonnell's wife, Maureen, who is considered a strong supporter of Virginia businesses and who has a long history of interest in nutritional supplementation (i.e., NuSkin), flies to Florida to speak at a seminar about antabine. The seminar is hosted by Roskamp, a biomedical research center that focuses on Alzheimer's disease. Roskamp is conducting research on Antabloc under a royalty agreement with Star. Maureen promotes Antabloc, which is not regulated by the F.D.A., by saying that the product can contribute to lower health care costs in Virginia. On August 30, 2011, the official launch of Antabloc is held at a luncheon at the Governor's mansion, where Star gives research grants to scientists at the University of Virginia and Virginia Commonwealth. The luncheon is paid for by Opportunity Virginia, McDonnell's PAC (Political Action Committee), which McDonnell's spokesman says is allowable because Virginia state businesses and universities are being promoted at the event. Promotional materials of Antabloc point to support from the McDonnells as a reason to invest in the product despite Star's history of financial losses, and an unauthorized photo of McDonnell smiling and hold a bottle of Antabloc is posted on an Antabloc Facebook page. The McDonnells believe their activities are standard practice for a Governor's efforts to promote business in the state. They do not believe there was anything improper about hosting the launch of Antabloc at the Mansion. Williams' attorney acknowledges that Antabloc received a boost because of association with the Governor.

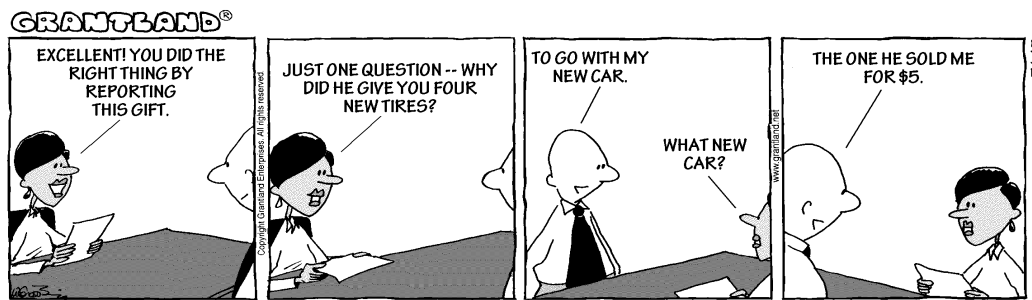
SCENE III: FRIENDS, DISCLOSURES, and INVESTIGATIONS In June 2011, three days after Maureen's trip to Florida to promote antabine Antabloc, Governor Bob McDonnell's daughter, Cailin, is married at the Governor's Mansion. 200 guests are in attendance at the wedding and Williams gifts McDonnell \$15,000 to pay Todd Schneider's private catering company to cater the wedding. Schneider is the Executive Chef at the Mansion in 2010 and steps down in 2011. McDonnell signs the catering contract, writes notes in the margins, and pays an \$8,000 personal deposit. A \$3,500 overpayment is refunded to Maureen McDonnell, not Cailin. McDonnell does not disclose the wedding gift on his 2012 financial disclosure form (for the period January 2011 to December

2011) because he says state law only requires him to disclose gifts given to him, not his family members. (Financial disclosure forms are called Statement of Economic Interests, or “SEI,” at Milwaukee County.) McDonnell says that his daughter asked him to review the contract for her far in advance of the gift from Williams. Sen. Donald A. McEachin later calls for a review of the law to see if gifts to family members should be reported.

SCENE IV: GIFTS, GIFTS, and MORE GIFTS

Williams, who has a history in sales and marketing and owns a jet, and the McDonnells state that they have been friends for approximately four to five years. Williams is also friends with state Attorney General Ken Cuccinelli, who begins a run for governor since Virginia does not allow its governor to run for two terms. In 2009, Williams gives McDonnell over \$28,500 worth of air travel during his gubernatorial campaign. Once elected, Star donates more than \$80,000 in air travel to Opportunity Virginia. Starting in 2010, McDonnell begins taking summer vacations at McDonnell’s Smith Mountain Lake vacation home. McDonnell discloses over \$9,600 in food, lodging, transportation and entertainment from Star between 2011 and 2012 and states that as a favor for his friend, McDonnell and his wife drove Williams’ Ferrari home from the vacation house. The Ferrari is worth \$190,000. (Virginia state elected officials are allowed to accept a gift of any amount, as long as they disclose any gift worth more than \$50. The Virginia state ethics law does not require disclosure of gifts from relatives or personal friends.) Star pays McDonnell \$7,382 in personal gifts in 2012. Williams also allegedly gives thousands of dollars worth of gifts to the McDonnell’s immediate family in addition to the payment for the wedding.

In 2009, Williams pays for Cuccinelli to fly to New York for an event at a Jewish Community Center. The flight costs \$628. During



November 2010, Cuccinelli and his family also stay at Williams vacation home and Williams pays to feed them a \$1,500 catered Thanksgiving meal. He later stays at the home for a period of time valued at \$3,000 and has opportunities to use Williams boat. Cuccinelli fails to disclose

these gifts, although he discloses over \$13,000 worth of other gifts from Williams and Star Scientific, including another stay at William’s home in 2011.

SCENE V: THE LAWSUIT

In July 2011, Star files a lawsuit against the State of Virginia regarding tax matters. Williams indicates that if Star loses the suit it will owe \$1.7 million in back taxes, penalties, and interest to the state. Two months after the suit is filed, Cuccinelli purchases approximately \$10,000 worth of additional stock in Star. Due to his stock ownership in Star, Cucinnelli could have recused the state Attorney General’s office from defending the state in the lawsuit and instead required the use of outside counsel; however, he refrains from doing so and staff attorneys defend the state in the case. Cuccinelli also fails to disclose his stock holdings, which are above the amount requiring disclosure. In 2012, Cuccinelli sells 1,500 of his shares of Star stock for a \$7,000 profit. Cuccinelli states that he forgot to report the items from Williams, as well as a few gifts from other sources. Cuccinelli asks the Attorney General to review his financial disclosure, and the Attorney General agrees that the omissions were not intentional.

In March 2013, an investor files a federal lawsuit alleging that Star mislead its investors. The Securities and Trade Commission begins an investigation against star for several matters, including misleading investors about their relationship with John Hopkins and for certain private placements made since 2006. As a result of the securities investigation, federal authorities begin examining the gifts that Williams gave to the McDonnells and Cuccinelli.

THE CHEF: After being accused of embezzling from the kitchen in 2010 and 2011, Schneider, who faces four felony counts for embezzlement, is indicted in March 2013. Schneider’s defense indicates he was directed to take payments in food in exchange for unpaid invoices. The prosecutor in the case is Cuccinelli, who Schneider alleges has a conflict of interest because Cuccinelli received

thousands of dollars worth of gifts from both Williams and McDonnell. Schneider believes his prosecution is politically motivated because in 2012 he informed the FBI and state police investigators that he and other state employees witnessed Governor McDonnell and his wife, Maureen, being told to take and taking cases of food purchased by the state for their personal use. Schneider also alleges that the McDonnell's adult children received more food and beverages than they should have while staying at Camp Pendleton, a gubernatorial retreat, and for personal use at their college dorms and personal residences. Cuccinelli's office has since recused itself from prosecuting Schneider.

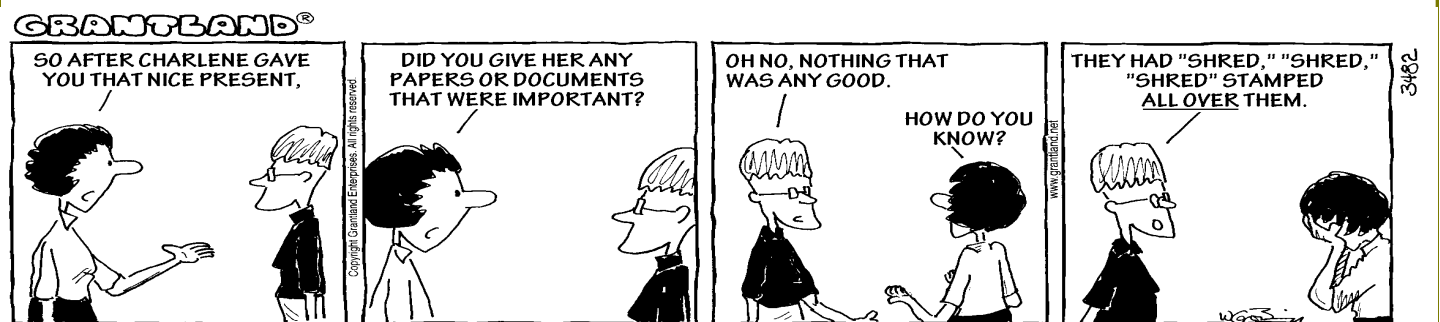


TESTING YOUR ETHICAL DECISION MAKING

Now that you have read the scenario, ask yourself whether you thought there were questionable actions on the part of the various parties. If so, who? What do you think they did wrong? Why do you think it was unethical? What are you using for your frame of reference? What do you think should have been done differently? What would you have done if you were each player? How does this relate to situations you, a co-worker, or a family member might encounter? Following are some questions more specific to this current event that can be used to assist you in your process of examining the ethical — or unethical — decisions that were made:

1. Was Williams \$15,000 a gift to the Governor if the Governor signed the catering contract?
2. Should Governor McDonnell have reported the \$15,000 check even if it was a gift to his daughter?
3. Should Williams have given the McDonnell's the check for the catering?
4. Did Williams payments to the Governor constitute a bribe or an effort to obtain the Governor's favor?
5. Was it problematic for Maureen to go speak in Florida?
6. Did Star mislead the public regarding John Hopkins?
7. Does Cuccinelli have a conflict of interest in the Star matter? In the Schneider matter?
8. Should Schneider's sentence be reduced because of the information he shared about the Governor's family taking food?
9. Is it appropriate to have a product launch for a private business at the Governor's mansion
10. Whether disclosed or not, should the Governor and state Attorney General have accepted the gifts from Cuccinelli?
11. What was wrong with the McDonnell's driving the Ferrari for their friend, if anything?
12. Why couldn't Schneider take payments of food in exchange for unpaid invoices from his catering business?
13. When staying at the gubernatorial vacation spot, was there a problem with the McDonnell children using the food?
14. Should the doctor be penalized by John Hopkins if he was being paid as a consultant for his opinion by Star?
15. What problems may exist for Cuccinelli now that he is running for governor?
16. Should McDonnell or Cuccinelli be penalized for the items they forgot to disclose since they disclosed other items?

Share your thoughts on the scenario or your answers to some of the questions and we will post them in the next newsletter-



SECTION 9.05 (2) NO FINANCIAL GAIN OR ANYTHING OF SUBSTANTIAL VALUE; NO PERSON MAY OFFER ANYTHING OF VALUE; NO SUBSTANTIAL INTEREST OR BENEFIT

- a) Except as otherwise provided or approved by the County Board, no county public official or employee shall use his/her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself/herself or his/her immediate family, or for an organization with which he/she is associated. This paragraph does not prohibit a county elected official from using the title or prestige of his/her office to obtain campaign contributions that are permitted by and reported as required by [Chapter 11, Wisconsin State Statutes].
- b) No person shall offer or give to any public official or employee, directly or indirectly, and no public official or employee shall solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the public official's or employee's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction or omission by the public official or employee. This section does not prohibit a public official or an employee from engaging in outside employment.
- c) Except as otherwise provided in paragraph (i), no public official or employee shall:
 - 1. Take any official action substantially affecting a matter in which the public official, employee, a member of his/her immediate family, or an organization with which the public official or employee is associated has a substantial financial interest.
 - 2. Use his/her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the public official, employee, members of the public official's or employee's immediate family either separately or together, or an organization with which the public official or employee is associated.



9.05 (2) SIMPLIFIED

- a) **Local public officials and employees may not accept items or services of substantial value for private benefit, or for the benefit of the official's immediate family or associated organizations, if offered because of public position.**
- b) **A local public official or employee may not take official action substantially affecting a matter in which the official, the official's family, or associated organization has a substantial financial interest.**
- c) **Local public officials and employees may not accept (and no one may offer or give) anything of value that could reasonably be expected to influence an official vote, official actions or judgment.**
- d) **Local public officials and employees may not accept (and no one may offer or give) anything of value that could reasonably be considered a reward for any official action or inaction.**
- e) **Local public officials or employees may not use their office or position to produce a substantial benefit for themselves, an immediate family member, or associated organization.**

(The simplified explanations above are taken from the website of the Wisconsin Government Accountability Board.)

Following are a few examples *from around the country* of violations of some of the above prohibitions:

- ⇒ A state elected official forfeited \$500 for accepting lodging and food in connection with visit to a major city.
- ⇒ A state Senator forfeited \$350 for accepting lodging, food, and drink in conjunction with an NFL game.
- ⇒ A state elected official paid \$1,418 in fines and court costs for violating ethics law by accepting a vacation fishing trip.
- ⇒ A state elected official forfeited \$1,000 for violating ethics law by accepting an airline ticket to a major city.
- ⇒ The chairman of a state commission was fined for profiting from a job given to him by a vendor that came before the commission for project approval. The chairman voted to issue an order for the vendor to perform water tank installations and the company then hired the chairman's company to do the work. The chairman failed to disclose at the time of voting that his business was eligible to vote on the project.
- ⇒ The head of operations at an international airport was removed after failing to disclose that his son worked for the contractor that provides property management services at the airport.
- ⇒ A police officer was sanctioned for hiring his relatives without disclosing the relationship.

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ABOUT THE ETHICS BOARD

Upcoming Ethics Board Meetings

- **Tuesday, August 27, 2013 at 2:00 PM**
- **Thursday, December 12, 2013 at 2:00 PM**

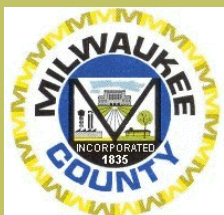
Ethics Board meetings are held scheduled at least four times per year and are open to the public. Meeting minutes are available on the Board's website at <http://county.milwaukee.gov/MEETINGSampMINUTES20688.htm>

MARK YOUR
CALENDAR!

The Milwaukee County Ethics Board is located on the second floor of the Courthouse in Suite 212. This newsletter is produced as part of an effort to advance awareness of the Milwaukee County Ethics Board, the Milwaukee County Ethics Code, and to engage employees and officials in learning more about the importance of ethical behavior and sound ethical decision making in the business arena. Please direct any comments or questions to our office by mail, email, fax, or phone at the information identified below.

CONTACT US

MILWAUKEE COUNTY ETHICS BOARD



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